

FREMONT PLANNING BOARD

September 13, 2006

Meeting Minutes

Approved September 20, 2006

Present: Chairman Larry Stilwell, Selectmen's Rep. Peter Bolduc, Members Leon Holmes, Jr., Mark Pitkin, Member and CC Rep. Jack Karcz, Alternates Roger Barham, Dan Daley, Scott Boisvert, Circuit Rider David West, Building Official Thom Roy and Land Use AA Meredith Bolduc.

Mr. Stilwell called the meeting to order at 7:30 pm and appointed Alternates Barham and Daley as voting members of the Board for tonight's meeting.

GOVERNOR'S FOREST

MAP 3 Lot 002

Martin Ferwerda

Mr. Stilwell reported that the Governor's Forest excavation permit expired on June 22, 2006. Mr. Ferwerda was contacted by the Land Use Office and on September 5, 2006 the Board received the excavation permit renewal application. A Notice of Intent to Excavate for the year April 1, 2006 to March 31, 2007 was dated May 4, 2006 and filed with the NHDRA.

The Board also received an August 28, 2006 correspondence from LC Engineering to Heidi in the Selectmens office stating that they have calculated the Excavation Reclamation Bond for the Governor's Forest site in the amount of \$93,000. This was increased by \$3,000. The Town has received a letter of commitment for the \$90,000 from Community Bank & Trust and is awaiting the actual Letter of Credit. Mr. Ferwerda has submitted \$3,000 in cash.

Mr. Holmes stated that the hours of operation should be stated on the permit application and it was agreed that there should be a line added to the excavation permits for that information.

After review of the application by the Board, and comparing it with the 2006 application, Mr. Holmes made the motion to approve the Excavation Permit Renewal application for Governor's Forest, Map 3 Lot 002, with an expiration date of September 13, 2007.

Motion seconded by Mr. Bolduc with unanimous favorable vote by the Board.

Mr. Stilwell signed the permit application. It was noted, and Mr. Ferwerda has stated that he understands, that the permit renewal application is due 90 days prior to the expiration date.

SHAWN SENTER

Map 3 Lot 169-59-18

The Board received a copy of the June 14, 2006 NHDES Approval #SA2006007148 For Subdivision for the

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Shawn Senter property. The Board is also in receipt of an August 28, 2006 correspondence from Shawn Senter requesting an extension of his conditionally approved subdivision on Whittier Drive known as Moose Meadow Drive to February 28, 2007. In the request Mr. Senter stated that he intends to build some of the road before issuing a letter of credit (bond). The subdivision was conditionally approved on July 12, 2006 with a 60 day conditional approval with a September 11, 2006 expiration. Mr. Senter is requesting a 180 day extension.

After some discussion, Mr. Holmes made the motion that the Board grant to Shawn Senter, the requested 180 day extension of the conditionally approved subdivision for Map 3 Lot 169-59-18, with a new expiration date of February 28, 2007.

Motion seconded by Mr. Karcz with unanimous favorable vote.

CHESTER BEARCE

Map 3 Lot 015-1

The Board received a July 31, 2006 request from Chester Bearce, former owner of the Map 3 Lot 015-1 gravel operation, requesting that the \$8,000.00 excavation bond and the \$500.00 road bond be released. It was noted that Mr. Bearce no longer owns the property and subsequently the new owner, Lewis Builders, has an approved site plan for Black Rocks Village, a 112 unit housing project that does not include a gravel operation or require the reclamation of a former one.

Mr. Holmes and Mr. Karcz reported that on September 5, 2006 they visited the site of the former Bearce excavation operation and observed no restoration. As stated on their comment sheet, Lewis Builders has not started construction and if he abandoned the project at this point the town would need to go to the Bearce bond to restore the land, so the bond should remain in place for restoration of any land that will not be disturbed by the Lewis project, until the Lewis project is complete.

After some discussion and careful consideration by the Board, Mr. Bolduc made the motion to recommend to the Selectmen that the existing \$8,000.00 excavation bond and the \$500.00 road bond posted by Mr. Bearce not be released, but be held until the Black Rocks Village project is completed to insure that there is no remaining disturbed land left from the Bearce operation.

Motion seconded by Mr. Karcz with unanimous favorable vote.

A letter will be submitted to the Selectmen reflecting the Boards vote.

COOPERAGE FOREST/COOPER'S CORNER

Map 3 Lot 054-1

The Board received a copy of an August 24, 2006 correspondence from James Morin, Jr. of Saugus Bank to the Selectmen relating that the revised letter of credit for the Cooperage Forest Subdivision/Coopers Corner Project (Map 3 Lot 054-1) is \$362,562, reflecting the release of \$284,522 based on the recommendations of the Town's Engineer, Road Agent, Board of Selectmen and Planning Board.

The Board also received a copy of the amended NHDES Approval for Subdivision. The original permit #SA2005005867 was dated February 14, 2005 and the amended permit #SA2005005867-A is dated August 17, 2006.

VISIONING CHAPTER DRAFT – MASTER PLAN

Public Hearing

Present: Simon Ackerman, Hugo Findeisen, Matthew Dustin, Doug Turner, Elaine O'Brien and Geraldine Palmer.

Mr. Stilwell opened this Public Hearing at 8:00 pm and read the public notice as follows:

In accordance with RSA 676:2-5 and 676:6, you are hereby notified of a Public Hearing to be held on Wednesday September 13, 2006 at 8:00 p.m. in the Land Use Meeting Room at the Fremont Town Hall concerning the addition of a proposed Visioning Chapter to the Fremont Master Plan.

A second Public Hearing, if needed, will be held at 8:00 p.m. on Wednesday September 27, 2006.

The full text of this proposed chapter is posted and available at the Fremont Town Hall during regular business hours.

On August 15, 2006 this notice was posted at the Fremont Post Office, Fremont Town Hall, Fremont Library and was also noticed in the August 25, 2006 edition of the Rockingham News.

Mr. Stilwell stated that The Visioning Chapter of the Master Plan is the document that came out of last years visioning sessions with the public as they determined what they wanted Fremont to become.

The Fremont Vision Chapter Draft includes;

Fremont Vision

Chapter 1: Fremont Visioning Sessions, Vision for Fremont's Future Land Use, Possible Zoning Districts for Fremont, How to Proceed with Zoning Districts,

Chapter II: Input from the Conservation Commission and Open Space Committee, Goals from the Fremont Conservation Commission, Methods of Achieving these stated goals

Chapter III Community Goals from 1998 Fremont Master Plan, Discussion, Conclusion

Chapter IV Smart Growth and Regional Planning Principles, Sustainability, Livability, Mobility

Mr. Stilwell stated that the Board Members should be familiar with the document which was previously distributed. Copies of the draft were given to the attending public. Mrs. Bolduc noted that a second Hearing, if it was necessary due to changes, was noticed for 8:00 pm on September 27, 2006. The Board reviewed the document and it was noted that goals # 4, 6, and 9 need to be completed by Mr. West. All other information has been completed.

With little more discussion, Mr. Karcz made the motion to continue this Public Hearing to 8 pm on September 27, 2006.

Motion seconded by Mr. Bolduc with unanimous favorable vote.

TIMOTHY & GERALDINE PALMER

Map 2 Lot 149-1

Present: Owner Geraldine Palmer

At 8:15 Mrs. Palmer met with the Board relative to a junk removal business she and her husband operate from their residence. As per the file, on August 7, 2006 the Selectmen sent a correspondence advising the Palmers that they received a report of the operation of the business and that a sign was evident. The Palmers were instructed to contact the Planning Board office within three weeks of that date. This was done and on August 21, 2006 the Palmers issued a written correspondence to the Selectmen explaining that they are a "Junk Removal Company that provides a service for the local community. We go to people's houses with our trucks and load up items that they

no longer want or need and dispose of them at the Raymond Transfer station." Items are sometimes placed at the end of their driveway, usually for free, and they do not have public come to the property. In their correspondence Mr. & Mrs. Palmer state that they have registered their business with the State of New Hampshire for business ID

number and inquired about what they would need to do in order to place their business sign at their property.

Mrs. Palmer stated that once in a while they bring brush and wood onto the residence to burn and metal to store in a pile. She added that sometimes they unload a truckload at the residence, reload it the next day, then remove it from the site. She stated that she would like to put up a sign for the business. Mr. Stilwell asked if there are signs elsewhere in town advertising the business and Mrs. Palmer answered that there are a couple of signs on some trees.

Mr. Stilwell stated that because the residence is being used for a business, under the current regulations Mrs. Palmer will need to go through the Site Plan Review process. The Board agreed. Mrs. Palmer agreed to make an appointment with Mrs. Bolduc and begin the process.

SIMON ACKERMAN
Map 2 Lot 062

PUBLIC HEARING
Design Review

Present: Owner Simon Ackerman, Surveyor Hugo Findeisen, Doug Turner, abutters Matthew Dustin and Elaine O'Brien.

As per RSA 676:4 (b) the Design Review Phase allows for non-binding discussions.

Mr. Stilwell opened this Public Hearing at 8:30 p.m. and read the notice of the Public Hearing which was as follows:

In accordance with NH RSA 675:7, you are hereby notified that the Fremont Planning Board will hold a Public Hearing for Simon Ackerman at 8:00 pm on September 13, 2006 in the downstairs Land Use Meeting Room of the Fremont Town Hall. The purpose of this Public Hearing is for design review relative to a two lot subdivision of Map 2 Lot 062 located at LeBlanc Road and 673 Main Street. You are invited to attend in person or by agent or counsel.

Mr. Stilwell reported that this hearing was noticed on August 24, 2006 at the Fremont Post Office and Fremont Town Hall and in the August 25, 2006 edition of the Rockingham News. The applicant and all abutters were notified via certified mail on August 24, 2006 and all returns have been received except for abutter PJP, Inc. Comment sheets were received from the following, with comments in italics:

1. Fire Chief: *Need more detail on driveway, place to park fire engine & hammerhead turn-around. Multi family will need sprinkler system. Also fire walls between units. Need access to back of building or stand pipe through unit.*
2. Health Officer: *No problem*
3. Conservation Commission: *Pursuant to Zoning Article XI Section 5H-2; multi-family residential requires a special exception which must meet findings of fact as determined by data or reports prepared by professional Engineer or Hydrogeologist concerning items on page 36 of the March 2006 edition. Half of the cul-de-sac is in the Wetland Protection Zone. A wetland crossing at the narrowest spot may have less impact overall.*

The Board also received a note from abutter CL Magnusson which stated "OK with us. Please read at meeting".

Mr. Ackerman showed a Conceptual Site Plan of the property drawn by DK Engineering and dated May 5, 2006.

The plan showed a two lot subdivision of the existing 10.8 acre parcel, existing dwelling, existing wells and the

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proposed lots with associated well and leaching area. It also showed delineation of wetland areas and the Aquifer Protection District, a proposed six unit building, and extension of the existing LeBlanc Road, which is a private road. He stated that they wanted to subdivide the front piece and leave enough for the six-plex. There was a discussion relative to the road's status. Mr. Findeisen stated that the existing LeBlanc Road is a private road and not Town accepted. Mr. Roy stated that the road apparently appeared on paper so there must be some documentation. In answer to some of the Members questions Mr. Findeisen stated that the road will be brought up to the town standards, they would look for the town to accept it at some point, the 50' right-of-way beyond the used roadway would be left in place and undeveloped. Other items discussed were the radius on the cul-de-sac and whether it would be paved, locations of well and septic and size of the 2 proposed lots.

Mr. West noted that a portion of the property is in the Aquifer Protection District, but the proposed six-plex building will be outside of the District. Mr. Bolduc stated that Town Counsel has ruled in the past that if the buildings are outside of the Aquifer District they are not affected by the ordinance however, the lot size is affected. It was noted that because the building is not in the Aquifer District Zoning Article XI 5h2 would not apply. Mr. West also noted that zoning issues include the need for a Special Exception for the driveway encroaching on the 100' buffer to the wetland.

Mr. Stilwell asked if the abutters had any questions. Mrs. O'Brien asked why they don't move the cul-de-sac and put it closer to the proposed building. Mr. Stilwell answered that they would have to cross a wetland to do that. Mr. Dustin asked why there would be a town road and cul-de-sac for one building. Mr. West answered that a road is necessary to gain frontage and it would only be a town road to the cul-de-sac. Mr. Turner questioned if it was possible to create a recreation area on the property.

Mr. Findeisen stated that there would be a lot line adjustment between this property and that of Map 2 Lot 064, owned by Brian Daigle, which would alleviate some odd angles of the property.

Issues

1. Fire Chief – more info as per his comment sheet
2. Driveway placement closer than 30' to the property line

Actions needed:

1. Zoning Special Exception for the driveway encroachment on a watershed protection area
2. Lot Line Adjustment
3. Subdivision

There was a discussion relative to the order in which to do the proposed lot line adjustment, subdivision and special exception. The applicant was informed that these are all separate actions, each with its own application and process.

At 9:10 pm Mr. Pitkin made the motion to close this Public Hearing.
Motion seconded by Mr. Holmes with unanimous favorable vote.

HOME OCCUPATION ZONING ORDINANCE

At 9:10 the Board began a discussion and review of the June 30, 2006 draft of the Home Occupation regulations.

Mr. Roy suggested leaving the Home Occupation off the table altogether and strictly define the Cottage Industry. Mr. Barham suggested setting a minimum and maximum regulation for Cottage Industry. Mr. West suggested eliminating the permitting portion of the Home Occupation regulations. These suggestions prompted a lengthy discussion.

There was a conversation relative to how allowed businesses would interact with proposed zoning. The discussion relative to this proposed Zoning Ordinance led into that of Future Land Use, which is the next agenda item.

FUTURE LAND USE

There was a lengthy general discussion relative to the future land use and proposed zoning districts. The Members used the Existing Land Use and the proposed Future Land Use Maps, prepared by Mr. West, to discuss where in town the various zoning districts should be, including residential, residential open space, mixed (residential/commercial), corporate technology, and whether to propose zoning districts for the entire town or just do commercial zones for this year. Mr. Stilwell explained that the Future Land Use Map was the result of the Future Land Use & Zoning Committee meetings. He added that the commercial zoning districts of the surrounding towns of Brentwood and Epping were looked at to match up some of the proposed commercial areas for Fremont. Mr. Roy stated that he believes commercial zones that do not affect any residential areas should be designated. The members discussed commercial zones and made some suggestions relative to locations of commercial areas. Mr. Bolduc stated that he has no problem with where the commercial zones are indicated on the map. Residential and mixed use zoning districts were also a focus of conversation. After much discussion it was agreed that Mr. West will redo the Future Land Use Map and the issue will be discussed at the next meeting.

CORRESPONDENCE

1. Three copies of excessive offsite odor complaints relative to the Seacoast Farms Compost site, Map 5 Lot 035, logged by the Building Official on August 17, August 21, and August 28, 2006.
2. Notice of the October 28, 2008 Office of Energy and Planning Fall Planning & Zoning Conference.
3. September 13, 2006 RPC meeting notice and agenda.

Mr. Holmes made the motion to adjourn at 10:35 pm.

Motion seconded by Mr. Karcz with unanimous favorable vote.

Respectfully submitted,
Meredith Bolduc, Secretary